

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Case No.: 1:22-CV-244

Kelly Rhodarmer Boone,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Buncombe County Board of Education,	)	
Defendant.	)	

CERTIFICATION AND REPORT  
OF FED. R. CIV. P. 26(F)  
CONFERENCE AND  
DISCOVERY PLAN

1. Certification of Conference. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on June 12, 2023, by telephone and was conducted by the undersigned counsel for the designated parties in the above captioned case.
2. Pre-Discovery Disclosures. The information required by Fed. R. Civ. P. 26(a)(1) will be exchanged by June 30, 2023.
3. Discovery Plan. The parties jointly propose to the court the following discovery plan:
  - a) All discovery shall be commenced in time to be completed by March 8, 2023.
  - b) Discovery Limits:
    - 1) Maximum of 25 interrogatories by each party to any other party.
    - 2) Maximum of 25 requests for admission by each party to any other party.
    - 3) Maximum of 7 depositions by plaintiff(s) and 7 by defendant(s) of non-expert witnesses.
  - c) Reports from retained experts under Rule 26(a)(2) will be due:
    - from plaintiff by January 5, 2024;
    - from defendant by February 5, 2024;Supplementations under Rule 26(e) due within a reasonable time after counsel receives information which requires supplementation, and at least 30 days before close of discovery.
4. Other Items.
  - a) The parties do not request a conference with the court before entry of the scheduling order.

- b) All potentially dispositive motions should be filed in accordance with the Federal Rules of Civil Procedure.
- c) Settlement
  - ☐ is likely
  - ☐ is unlikely
  - ☒ cannot be evaluated prior to conducting some discovery
  - ☒ may be enhanced by use of the following ADR procedure:
    - ☒ mediated settlement conference
    - ☐ binding arbitration
    - ☐ other \_\_\_\_\_

The parties agree that the above selected ADR procedure would be most useful if conducted

By the close of the discovery period.

The parties agree to designate a mediator by August 1, 2023.

- d) Plaintiff should be allowed until August 18, 2023, to request leave to join additional parties or amend pleadings. Defendant should be allowed until September 15, 2023, to request leave to join additional parties or amend pleadings. After these dates, the Court will consider whether the granting of leave would delay trial.
- e) Final lists of witnesses and exhibits under Rule 26(a)(3) are due to the court no later than the morning of the first day of trial.
- f) If the case is ultimately tried, trial is expected to take approximately 4 days. A jury trial has been requested.
- g) The parties have discussed the issue of consent to the jurisdiction of a U.S. Magistrate Judge or appointment of a special master, and there is not unanimous consent.
- h) The parties agree to produce all electronically stored information or documents capable of being stored electronically on a disc, DVD, or other mutually agreeable means in .pdf or other easily viewable and searchable format or as maintained in the ordinary course of business. In circumstances where a party asserts that data is not reasonably accessible or convertible to .pdf or other easily viewable and searchable format, that party shall provide to the other party an explanation of why the information is not reasonably accessible, viewable, or searchable and of the undue burden or cost associated with retrieving and/or producing the data. If the party requesting the information still insists on production, the parties shall attempt to reach

an agreement on sharing the cost of retrieving such data prior to bringing a motion to compel with the Court.

- i) The parties agree that any documents not served through the electronic filing system with the court may be served by electronic mail and shall be deemed received on the date the email is sent.
5. Please identify any other matters regarding discovery or case management which may require the Court's attention (e.g., concerns re: confidentiality, protective orders, preservation of ESI materials, unmovable scheduling conflicts, etc.): Prior to the exchange of discovery, the parties may separately file a motion for a protective order.

/s/R. Michael Elliot  
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**ATTORNEYS FOR DEFENDANT**

## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing Joint Rule 26(f) Report with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties.

This is the 13<sup>th</sup> of June, 2023.

/s/R. Michael Elliot

R. Michael Elliot

N.C. State Bar No. 42806

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